

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

WP(C).No. 30631 of 2005(V)

PETITIONER:

**V.NANDAKUMAR, AGED 32,
EMBRAN MADAM, NAYARAMBALAM P.O.,
ERNAKULAM DISTRICT.**

BY ADV. SRI.P.GOPALAKRISHNA MENON

RESPONDENTS:

- 1. THE REGIONAL TRANSPORT AUTHORITY,
ERNAKULAM.**
- 2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, ERNAKULAM.**
- 3. THE KERALA STATE ROAD TRANSPORT
CORPORATION, REP. BY ITS DISTRICT TRANSPORT
OFFICER, ERNAKULAM.**
- 4. STATE TRANSPORT APPELLATE TRIBUNAL,
ERNAKULAM.**

**BY ADV. SHRI.JOHNSON P.JOHN, SC, KSRTC
GOVERNMENT PLEADER**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 19/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C) NO: 30631/2005

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE APPLICATION FOR PERMIT IN THE PRESCRIBED FORM ST. S.A. FILED BY THEPTR, DT. 9/11/04.

EXT.P2. COPY OF THE COVERING LETTER FILED BY THE PETITIONER DT. 9/11/04.

EXT.P3. COPY OF THE ORDER OF THE R1 DT. 27/1/2005.

EXT.P4. COPY OF THE APPEAL MEMORANDUM (WITHOUT EXHIBITS) FILED BY THE PETITIONER AS MVAA NO. 377/05 DT. 10/06/05.

EXT.P5. COPY OF THE JUDGMENT IN MVAA NO. 377/05 DT. 10/09/05.

RESPONDENT'S EXHIBITS

NIL.

True copy

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ANTONY DOMINIC, J.

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W.P.(C) No. 30631 OF 2005 V
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Dated this the 19th September, 2007

J U D G M E N T

The permit applied for by the petitioner was granted subject to the condition that the vehicle will be operated upto High Court junction and that all trips will be operated touching Vypin. This was appealed and by Ext. P5 the Tribunal confirmed the direction of the R.T.A. in so far as it restricted the operation of the service upto High Court junction. It is aggrieved by the said condition this writ petition has been filed.

2. Ext. P3 proceedings of the R.T.A. itself mentions that the petitioner had intimated his willingness to operate the service upto High Court junction. In spite of it, even if the petitioner is aggrieved by the restriction of operation of his service in a particular manner and that has become part of the permit, petitioner cannot be permitted to resile from that commitment. Even otherwise, since the R.T.A. has imposed such a condition due to traffic regulations and all the vehicles coming from Vypin island are

allowed to operate only upto High Court junction.

3. It is now contended before me that the notifications relied on by the R.T.A. in Ext. P3 are inapplicable to the route in question and that this issue has not been considered by the Tribunal while rendering Ext. P5 judgment. On going through Ext. P5 judgment, I notice that this contention of the petitioner was not urged before the Tribunal and if that be so the petitioner cannot find fault with the Tribunal for not considering the same. I see no merit in the contentions raised by the petitioner.

Writ petition lacks merit and is dismissed.

ANTONY DOMINIC
JUDGE

jan/-